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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,304	03/17/2004	Clint Miller	TROU1100-1	3979
44654 7590 08/04/2009 SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705				
EXAMINER				
VO, TED T				
ART UNIT		PAPER NUMBER		
2191				
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08/04/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/802,304

**Applicant(s)**

MILLER ET AL.

**Examiner**

TED T. VO

**Art Unit**

2191

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 10, 11, 16-20, 23, 31-35 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10, 11, 16-20, 23, 31-35 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/2/09, 7/8/09
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to the communication filed on 05/15/2009.

Claims 1-5, 10-11, 16-20, 23, 31-35, 38 are pending.

### ***Information Disclosure Statement***

2. The citations in the form PTO-1449, filed on 03/02/2009 and 07/08/2009, which are the information of internal office actions issued by Examiners will be **considered**. However, this Examiner will not initial. Any cited reference when initialed will appear in a printed patent if the application is allowed; therefore, it will be improper to name an internal office action in a printed patent. Moreover, a cited information in NPL presents a prior art. By citing it, it could be used by the examiner for a rejection. Therefore, Applicant should cite only a related **application serial number or application publication, instead of citing its internal office action**.

### ***Response to Arguments***

3. The claimed have been amended with newly added limitations. All Applicants' arguments to the rejection of claims based on these newly added limitations have been considered, but moot in view of new ground of rejections.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 31-35, 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 38 is indefinite because it depends on the canceled claim 37.

Claims 31-35 recite, “*A software product comprising a set of instructions stored on a computer-readable medium, wherein the computer has a computer memory and a processor, wherein the software product comprises*”. It is unclear the term “the computer” since it is first recited in the claim. It is insufficient antecedent basis in the claims.

It is suggested to recite, “...*stored on a computer-readable medium in a computer, wherein the computer has a computer memory...*”.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5, 10-11, 16-20, 23, 31-35, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davor Gomik, "UML Data Modeling Profile", 2002, Rational corp., TP162, in view of CBOP et al., "A UML Profile for Enterprise Distributed Object Computing – Joint Final Submission – Component Collaboration Architecture (CCA)", 2-2002, OMG, <http://enterprisecomponent.com/docs/EdocCCA.pdf>.

As per Claim 1: Gomik discloses, *A method of modeling an arbitrarily complex environment, comprising:*

*defining, on a model computer, a schema having a plurality of types of data structures, wherein each data structures comprises one or more fields* (See Tablespace, start p.3, Table, start p. 5);

*storing, by a database computer, the schema in a static database* (Figure 1), *wherein the static database comprises a table for each type of data structure, wherein the plurality of types of*

*data structures comprises components, relationships, properties and types* (See Schema, start p. 4); *and representing, by a database connectivity computer, entities in the arbitrarily complex environment by assigning one or more values to the one or more fields in the database* (See Figures 6-7, p. 5,6 );

*wherein adding to or altering the data model further comprises the steps of:*  
*accessing, by a manager computer, the model computer, to add or alter a data structure; and*  
*storing, by the model computer, the added or altered data structure to the database,*  
*wherein the addition or alteration of components, relationships, properties and types do not*  
*change the defined data structures or the schema* (See paragraph 'View', p. 5, See Paragraph 'Column', p.6, see Relationship, p. 9).

Gomik discloses data structures of schema comprise components, relationships (Schema, start p. 4), but does not specify with properties and types on the schema.

However, the type or properties are the attributes that defines on the data structures that recognize the relationships of the schema.

CBOP et al., discloses the data structures in which the relationships include properties and types (see CBOP: p. 14, Figure 4).

It is obvious to an ordinary in the art to combine the teachings because they are conforming to the standard rules/semantics and the requirement of UML.

As per Claim 2: Regarding

*(Currently amended) The method of claim 1, wherein each component is instantiated based on a generic component type and has a set of core attributes comprising an id, a name, a description, a type, and a set of properties and the schema comprises:*

*a propertyDefinition table, a componentType table, a component table, a propertyTable category, a propertyDefinition table, a propertyValue table, a relationshipType table and a relationship table, wherein each table comprises a set of properties.* (See CBOP, p. 49).

As per Claim 3: Regarding limitation,

*The method of claim 1, wherein each component type is in a hierarchy of component types*  
(See Gomik: Class Diagram explains the schema dependencies as mentioned in p. 4).

As per Claim 4: Regarding limitation,

*The method of claim 2, wherein a property comprises a data type of one or more of a string, a numeric, a Boolean, a link, a date/time and a custom type* (See CBOP, e.g. in p. 69, or in the class diagram in p. 70).

As per Claim 5: Regarding limitation, *The method of claim 2, wherein each property comprises a data structure having a name, a description and a value* (See CBOP, e.g. in p. 69, or in the class diagram in p. 60, Figure 7).

As per Claim 10: Regarding limitation,

*The method of claim 2, wherein each component is represented in the component table, wherein each component stored in the component table is linked to a type of component* (E.g. See a class Diagram in CBOP, e.g. Figure 7).

As per Claim 11: Regarding limitation,

*The method of claim 10, wherein each component type is represented in the component type table, wherein each component type stored in the component type table is linked to a property in the property table* ((E.g. See a class Diagram in CBOP, e.g. Figure 7).

As per Claims 16-20, 23: See rationale addressed in Claims 1-5, 10-11.

As per Claims 31-35, 38: See rationale addressed in Claims 1-5, 10-11.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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TTV  
July 27, 2009

/Ted T. Vo/  
Primary Examiner, Art Unit 2191